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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,418	05/09/2001	Tetsuo Takakura	4554-001	1896

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EXAMINER

HU, JINSONG

ART UNIT PAPER NUMBER

2154

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/851,418

Applicant(s)

TAKAKURA ET AL.

Examiner

Jinsong Hu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 9, 10, 14, 18, 22, 24 and 36 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-8, 11-13, 15-17, 19-21, 23 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 28-30 and 33-35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1- 36 are presented for examination. Claims 1-23 have been amended; claims 24-36 are newly added claims.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-8, 11-13, 15-17, 19-21, 23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (US 5,793,365) in view of Naidoo (US 6,629,136), further in view of Koudou et al. (US 6,073,075).

4. As per claims 1-2 and 11, Tang teaches the invention substantially as claimed including a position-linked chat system comprising a plurality of terminals connected to a server through a network, wherein said server includes:

a chat room control unit for generating a plurality of chat rooms based on a geographical standard [col. 10, lines 57-59]; and

a sound control unit for mixing voices transmitted via the terminals of the users who participate in the same chat room [col. 12, lines 63-66].

5. Tang does not specifically teach a chat room select unit for selecting a chat room in which a user at each terminal is to participate, based on information being transmitted from the terminal and relating to the current position of the terminal posted from each terminal. However, Naidoo on the other hand teaches a chat room select unit for selecting a chat room in which a user at each terminal is to participate, based on information being transmitted from the terminal and relating to the current position of the terminal posted from each terminal [col. 9, lines 2-9]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Tang and Naidoo because utilizing Naidoo's chat room select unit in Tang's system would improve the functionality of the system by seamlessly providing information corresponding to user's local geographic location without user's extra effort [Naidoo, col. 2, lines 22-29]. One of ordinary skill in the art would have been motivated to modify Tang's system with Naidoo's chat room select unit to improve the functionality of the system.

6. Tang and Naidoo do not specifically the step of periodically transmitting by each terminal for the information relating to the current position of the terminal to the server each terminal. However, Kondou on the other hand teaches the step of periodically transmitting by each terminal for the information relating to the current position of the

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terminal to the server each terminal [col. 7, line 22 – col. 8, line 60]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Kondou and Tang/Naidoo because utilizing Kondou's transmitting step in the combination system of Tang/Naidoo would improve the capability of the system by providing the proper information or service to user on a real time basis [Kondou, col. 1, lines 59-63]. One of ordinary skill in the art would have been motivated to modify combination system of Tang/Naidoo with Kondou's transmitting step to improve the performance of the system.

7. As per claim 3, Tang teaches the chat room control unit divides the generated chat rooms by various categories selected by each user [col. 10, line 51-63].

8. As per claim 4, Tang teaches generating, combining and dividing chat rooms based on the number of the users participating in the chat room [col. 11, lines 53-65].

9. As per claims 5 and 7-8, Naidoo teaches the chat room select unit selects a chat room corresponding to the current position of the terminal as the chat room in which the user at the terminal is to participate [col. 9, lines 2-9; col. 11, lines 53-65].

10. As per claims 12-13, 15, and 31-32, since they are system claims of claims 1, 5 and 7, they are rejected for the same basis as claims 1, 5 and 7 above.

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11. As per claims 16-17 and 19, since they are apparatus claims of claims 1, 5 and 7, they are rejected for the same basis as claims 1, 5 and 7 above.

12. As per claims 20-21 and 23, since they are program claims of claims 1, 5 and 7, they are rejected for the same basis as claims 1, 5 and 7 above.

13. As per claim 25-27, Kondou teaches a user current position database for storing data related to multiple positions of each terminal obtained at predetermined time intervals and a position predicting unit for predicting the future position of said at least one terminal [col. 3, lines 1-7; col. 8, lines 20-60].

#### ***Allowable Subject Matter***

14. Claims 28-30 and 33-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. Claims 6, 9-10, 14, 18, 22, 24 and 36 are allowed.

#### ***Conclusion***

16. Applicant's arguments filed on 11/4/04 for claims 1-36 have been fully considered but are moot in view of the new ground(s) of rejection.

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In the remarks, applicant argued in substance that (1) Brody does not teach a central database coupled to a bus for receiving messages, at least one of the messages comprises at least one of a plurality header portions; (2) Brody does not teach place the messages in the database in a standardized format; (3) Ballard does not teach a central database coupled to a bus for receiving messages, at least one of the messages comprises at least one of a plurality header portions; (4) Ballard does not teach place the messages in the database in a standardized format.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965.

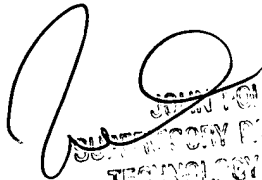
The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

March 16, 2005

  
JOHN A. FOLLANSBEE  
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